

# **California's Diversity: Past and Present**

## ***Lessons for the Fair Education Act of 2011***

### **Lesson 2: Discrimination and Civil Rights in California**

#### **Overview**

In this lesson, students examine the history of discrimination in the state of California. First, they read about and discuss social changes in California that have led to the development of civil rights in the state and nation. Then in a jigsaw activity, they examine four case studies of individual Californians who contributed to those social changes: Clara Shortridge Foltz, Yick Wo, W. Byron Rumford, and Harvey Milk. Finally, students debrief the activity with an emphasis on understanding the meaning of civil rights.

#### **Time**

One class period.

#### **Objectives**

Students will be able to:

- Define *equal protection* and *due process*.
- Examine social changes in California's history and the development of civil rights.
- Evaluate the contributions of diverse individuals to the development of social change and civil rights in the state and nation.

#### **Compliance with the Fair Education Act**

Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

The act also amended California Education Code Section 60040 to direct governing boards to "include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society...."

## Common Core State Standards for English Language Arts

**RI.8.1.** Cite the textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

**RI.8.4.** Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings....

**SL.8.1.** Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on *grade 8 topics, texts, and issues*, building on others' ideas and expressing their own clearly.

**RL.6-8.2.** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

**RL.6-8.4.** Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

### Materials and Preparation

- Handout A: Discrimination and Civil Rights in California (one for each student)
- Handout B: Clara Shortridge Foltz and The Woman Lawyer's Bill (one for each group member)
- Handout C: Yick Wo and the right to Due Process (one for each group member)
- Handout D: W. Byron Rumford and Fair Housing (one for each group member)
- Handout E: Harvey Milk and Proposition 6 (one for each group member)

### Procedure

#### A. Reading and Discussion: Discrimination and Civil Rights in California

1. Focus Discussion. Assess prior knowledge about the concept of "civil rights." Ask students what they know about the Civil Rights Movement.

*Look for: The Civil Rights Movement was led by Martin Luther King Jr. and others to end segregation in America. It meant schools and other services, even businesses, could not segregate persons on the basis of race or color.*

Ask: What does "civil rights" mean?

*Look for: These are the rights that we all have just by being members of this society. They are basic rights, mostly to be free from segregation or discrimination on the basis of race, color, or creed. Other forms of discrimination might be based on gender or sexual orientation.*

2. Distribute **Discrimination and Civil Rights in California**. Explain that it will describe the ways in which California has dealt with issues of discrimination. The reading should take approximately 10 minutes.

3. After they have finished reading, hold a discussion using the **For Discussion and Writing** questions:

- The 13<sup>th</sup> Amendment ended slavery. Why was the 14<sup>th</sup> Amendment also necessary after the Civil War? *Even though slavery had ended, state governments passed so-called Black Codes that re-introduced slavery-like conditions on former slaves.*
- What are some examples of discrimination in California's history? How is California different today? *Accept reasoned responses. Examples from the reading include discrimination in the state constitution, People v. Hall, the actions of Dennis Kearney, and the forced removal of citizens of Japanese ancestry.*
- Do you think the Supreme Court's decision in the *Bakke* case was important. Why or why not? *Accept reasoned responses.*

4. Then tell students that in their discussion earlier about the Civil Rights Movement, they recalled the name of Martin Luther King Jr. We associate his famous name with civil rights. Often, social change is made by people who are less well-known, too. They are about to learn about four individuals who made such a difference in history.

### **B. Activity: Civil Rights Jigsaw**

1. Divide the class into groups of four. These are the students' *home groups*. Distribute to each member of the group a copy of *one* of the Civil Rights Jigsaw Handouts, A–D. Each handout presents a case study on civil rights from California's history. If some groups have five, two students will have the same handout.

2. Have students meet in *expert groups*. Each expert group is made up of all the students with the same handouts — B, C, D, or E. Experts should take a few minutes to read and discuss their handout with each other.

Explain to students that the experts should be able to:

- Describe the problem or issue happening in California.
- Explain how the person in the case study helped to change a policy in order to solve the problem or issue.

3. Ask students to return to their home groups and present their case studies to the home group. All students should actively listen by taking notes and asking clarifying questions.

## C. Debriefing

Debrief the activity. Questions to ask:

- Why is it important for us to know about these case studies in civil rights?  
*Accept reasoned responses. Students may say that the case studies give a more realistic view of the state's history. Or they might say one or more case studies give them inspiration.*
- Which of the case studies do you think has had the longest-lasting impact on our society? Why?  
*Accept reasoned responses. Students need not compare the worth or value of the case studies. Assume they all had great impact. The key for discussion is which has had the longest-lasting impact.*
- What are other important issues today that might require actions like those we saw in the case studies?  
*Accept reasoned responses. Students may refer to issues from **Lesson 1: Diversity in California**. They may also refer to issues they see in their communities.*

## Discrimination and Civil Rights in California

In 1850, California became a state. A major question was whether California would be free of slavery. At the California constitutional convention in 1849, about half the delegates were pro-slavery. But the convention decided that California would be free.

The new state constitution, however, only allowed white males to vote. That included white-male citizens of Mexico who chose to become U.S. citizens. But some Californios (former Mexican citizens) were African or Native American. They did not have the right to vote.

At the same time, California passed a law called the Act Concerning Civil Cases. It prohibited black people or American Indians from testifying in a court case where a white person was a party.

Asian Americans were also affected. In 1854, a white man was convicted for murder. One witness against him was Chinese. In *People v. Hall* the California Supreme Court overturned the conviction. The court ruled that the Chinese witness was not “white” and should not have testified.

### The 14<sup>th</sup> Amendment and the States

The Civil War prompted major civil rights changes in all the states. The federal government created the Freedmen’s Bureau before the end of the war to help emancipated (newly free) slaves. The bureau helped ensure they were paid fairly and could freely choose their employers.

The war ended in April 1865. In December, the states ratified (approved) the 13<sup>th</sup> Amendment to the U.S. Constitution that ended slavery. Four million black Southerners were now free.

But many former slave states resented the Freedmen’s Bureau and the end of slavery. They passed strict laws called Black Codes. The Black Codes took away free blacks’ right to vote. Free blacks also were forced to sign work contracts with white employers. The codes even allowed employers to whip employees. These conditions were similar to slavery.

Congress responded with the 14<sup>th</sup> Amendment. In 1868, it was added to the Constitution. The 14<sup>th</sup> Amendment says:

*No State shall make or enforce any law which shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

It laid out basic rights for all. We now call these our civil rights. One important civil right is the guarantee that all persons are protected equally under the law. Skin color does not matter. All persons are equal.

Another important civil right is the guarantee of something called due process of law. That means that everyone gets fair treatment under the law.

The key phrase in the 14<sup>th</sup> Amendment is “no state shall make or enforce any law” that deprives anyone of civil rights. California, like other states, could not discriminate unfairly against anyone.

Even after 1868, there were extreme social tensions in California. San Francisco Irish immigrant and labor leader Dennis Kearney ridiculed Chinese language, religions, and customs in his speeches. Japanese students in San Francisco were segregated in the early 20<sup>th</sup> century, too.

### **Equal Protection in the 20<sup>th</sup> Century**

During World War II, the U.S. was at war with Japan. The U.S. government forced thousands of U.S. citizens of Japanese ancestry to go to remote camps. Fred T. Korematsu was from California and was arrested and convicted for refusing to relocate to the camps. He challenged his conviction and the practice of incarceration, arguing it violated his 14<sup>th</sup> Amendment right to due process.

The U.S. Supreme Court finally decided Korematsu’s case in 1944, allowing the incarceration to continue. But 40 years later, a federal trial court in Northern California overturned his original conviction.

California would play an important role in later civil rights actions. One example is the Supreme Court’s decision in *Regents of the University of California v. Bakke*. The case dealt with admissions to higher education (after high school). In 1977, the Court decided that racial quotas (fixed numbers) for admissions violated the 14<sup>th</sup> Amendment.

The court also decided, however, that race can be a factor in admissions. This became the basis for affirmative action. It was a lasting change to public policy on civil rights. Californians’ actions have made other long-term changes to policy.

### **For Discussion and Writing**

1. The 13<sup>th</sup> Amendment ended slavery. Why was the 14<sup>th</sup> Amendment also necessary after the Civil War?
2. What are some examples of discrimination in California’s history? How is California different today?
3. Do you think the Supreme Court’s decision in the *Bakke* case was important. Why or why not?

## Clara Shortridge Foltz and The Woman Lawyer's Bill

Clara Shortridge Foltz was born in 1849 in Indiana. Later, she settled in San Jose, Calif., with her husband and five small children. The year was 1874.

Soon after, Foltz and her husband divorced. She had to support her family. She wanted to become a lawyer. But she was told, "A woman's place is in the home."

Foltz did not take "no" for an answer. California law, however, only allowed white males to practice law. Foltz wrote a bill that replaced the term "white male" with "any citizen or person."

With help from a state senator, she got her bill into the California legislature. It was called the Woman Lawyer's Bill. Senators debated it. Foltz wrote that opponents of her bill "grew red as turkey gobblers mouthing their ignorance."

In 1878, Foltz won. The state Senate passed the bill. Then the state Assembly passed it. The governor needed to sign it. Foltz pushed her way into his office to persuade him to sign it. And he did. Now women could become lawyers in California.

Her work was not done. One year later, she sued the University of California to allow women to study law there. In 1910, she became the state's first female district attorney.

In 1911, she helped change California's Constitution to give women the right to vote — nine years before women won the right to vote nationally.



Clara Shortridge Foltz was the first female lawyer in California.  
(Wikimedia Commons.)

## Yick Wo and the Right to Due Process

Yick Wo was born in China. In 1861, he immigrated to San Francisco, Calif. He began a laundry business in a wooden building. He ran it for over 20 years. The city fire wardens (fire chiefs) had always given him a license to run his laundry.

In 1880, the city of San Francisco passed an ordinance (a local law). The ordinance stated that no one could run a laundry in a wooden building without a permit from the city supervisors. The city said the permit was for safety. Anyone without a permit had to pay a fine.

Yick Wo applied for a permit under the new ordinance. He did not receive it. He was not alone. Chinese immigrants ran about 200 laundries in San Francisco. That was 89 percent of the laundries. None of these Chinese laundries received a permit. All but one non-Chinese laundry received the permit.



Chinese immigrants to San Francisco concentrated in an area known as Chinatown. (Wikimedia Commons.)

Yick Wo and others thought this was unjust. He kept running his business. But he refused to pay the fine. He ended up in jail and brought his case to court. In 1886, it made its way to the U.S. Supreme Court, the highest court in the nation.

Yick Wo argued that the way in which the law was carried out violated the 14<sup>th</sup> Amendment. Under that amendment, all persons within a state are entitled to due process of law.

The Supreme Court agreed. Yick Wo won his case. The court ruled that the city of San Francisco had deprived Yick Wo of due process of law based on his Chinese national origin. The 14<sup>th</sup> Amendment did not allow such discrimination.



## W. Byron Rumford and Fair Housing

William Byron Rumford, an African American, was born in Arizona in 1908. When he was young, Arizona schools were segregated. A high-school teacher encouraged him to go to California. He went to college in Sacramento and San Francisco. He became a pharmacist.

Later, he opened his own pharmacy. But politics interested him. In 1948, voters in Berkeley elected him to the state assembly. He was the first African American to be elected to office in Northern California.

He noticed problems in California's housing while he was in office. Too often, real-estate agents excluded African Americans from buying or renting homes in certain neighborhoods.

In 1963, Rumford wrote a law against the discrimination. It passed in the assembly. It passed in the senate. The governor signed it into law. It was called the Rumford Fair Housing Act.

But opponents of the Fair Housing Act fought against Rumford's success. They sponsored Proposition 14. This proposed law would reverse the Fair Housing Act. Voters approved Prop. 14 in 1964.

African-American renters challenged Prop. 14. They argued that the law allowed racial discrimination and violated the 14<sup>th</sup> Amendment. In 1967, their case made it to the U.S. Supreme Court, the highest court in the nation.

The Supreme Court agreed with them. The renters won their case. The Supreme Court ruled that Prop. 14 denied African Americans equal protection under the law. It was based on racial discrimination and unconstitutional. Rumford's fight for fair housing was won.



Byron Rumford helped to outlaw employment and housing discrimination in California. (Courtesy of UC Berkeley, Bancroft Library.)

## Harvey Milk and Proposition 6

Harvey Milk was born in New York in 1930. When he grew up, he worked on Wall Street. He was also gay. For most of his adult life, Milk was "closeted." That meant he was private about being gay.

By 1972, he had "come out" (became public about being gay). He moved to San Francisco, Calif. He opened a camera store. In 1973, he became interested in politics.

Milk ran for the San Francisco Board of Supervisors. He lost. But in 1975, the mayor appointed him to be part of city government. In 1977, Milk ran again for the Board of Supervisors. This time, he won.



Harvey Milk, seen here in 1978, was the first openly gay man to be elected to public office in California. (Daniel Nicoletta, Wikimedia Commons.)

Milk was the first openly gay politician elected in California. In a speech during his campaign, he spoke about young gay people. He said, "The only thing they have to look forward to is hope. And you have to give them hope."

In 1978, Californians had to vote on Proposition 6. This was a proposed law that would ban gay and lesbian teachers from working in public schools. It would also ban school employees from supporting gay rights.

Milk thought it was unfair discrimination against gays. He debated the sponsor of Proposition 6 and helped persuade Californians against it. Governor Jerry Brown and former governor Ronald Reagan also opposed Proposition 6. Most voters voted against it, and it was defeated.

Harvey Milk became a powerful politician in San Francisco. He was also known nationwide. Sadly, Milk and the mayor were killed when a former supervisor shot them in 1978. Milk has remained a civil rights icon.